

Minutes of Regular Meeting of January 10, 2012  
One Twin Pines Lane

**CALL TO ORDER 7:35 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Wozniak, Braunstein, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Police Chief Mattei, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, Human Resources Director Dino, City Treasurer Violet, City Clerk Cook

**PLEDGE OF ALLEGIANCE**

Led by City Clerk Cook

**SPECIAL PRESENTATIONS**

**Update on the South Bayside System Authority (SBSA) Capital Improvement Project**

**Dan Child**, South Bayside System Authority (SBSA) General Manager, provided an update on SBSA's multi-year capital improvement program. He described the active projects and noted that there is a requirement to protect the site from any potential levy break due to the fact that the facility is below sea level. He noted that of the planned 139 projects, 29 have been completed, and of the \$390 million budget, \$35 million has been spent. He outlined upcoming projects.

In response to Councilmember Feierbach, Mr. Child stated that so far it has been a good bidding environment and all but one project came in under the estimate. He noted that it is difficult to project the future bidding environment. He clarified that future projects will be analyzed to ascertain the need.

Councilmember Lieberman stated that this is an involved and complex project. He noted that other communities' sewage treatment plants have been fined for spills into the Bay. He explained that the South Bayside System Authority's plant has outperformed many others due to its well-managed operations. He acknowledged SBSA staff for their expertise.

Mr. Childs stated that there were many accidents when he began as General Manager. He noted that he changed the culture to make safety a number one priority. He described the rewards system that was put in place for days without an accident resulting in lost time. He explained that the accident rate dropped from several per year to one in the past two years.

Councilmember Braunstein requested ongoing, interim reports the project progresses.

**PUBLIC COMMENTS AND ANNOUNCEMENTS**

**William Sparks**, Notre Dame de Namur Student, invited the public to a movie hosted by the University of a deaf entertainer who is a former Belmont resident.

**Lenore Griffin**, Carlmont Shopping Center, presented the proceeds of the shopping center's recent holiday tree raffle to the Belmont Library for its after school program.

**Kathleen Beasley**, Belmont Library Manager, thanked the Carlmont Shopping Center for its contribution, and outlined the after school programs held at the Library in the areas of arts, crafts, and science.

Councilmember Lieberman stated that he recently acquired an e-reader and noted that e-books are available at the Library in small quantities. He suggested that those with e-readers donate to the Library to boost revenue to increase the e-reader program. Ms. Beasley explained that the issue lies with the publishers, which needs to be worked out.

Councilmember Wozniak stated that she attended a recent author event at the Library which was well attended and entertaining.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Warden noted the upcoming joint meeting with the Planning Commission on January 17<sup>th</sup> to discuss the General Plan Update. He stated that recruitment is under way for Commission openings.

### **AGENDA AMENDMENTS**

City Manager Scoles stated that Consent Item 4-F (Resolution Approving a Permanent Encroachment Agreement to Allow a Utility Pole for Mid-Peninsula Water District within the Public Right-of-Way along Lower Lock Avenue) would be continued to January 24<sup>th</sup> so that City and Water District staff can meet with the neighbors to address concerns.

Councilmember Feierbach requested the removal of Consent Item 4-D (Resolution Authorizing Submittal of an Application to Designate the Belmont Villages District as a Mixed-Use Corridor Priority Development Area) for separate consideration.

### **ITEMS APPROVED ON CONSENT CALENDAR**

**Approval of** Minutes of Special and Regular Meeting of December 13, 2011

**Motion to** Receive Monthly Financial Reports

**Approval of** Resolution 2012-001 Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Valley Oil Company for an Amount not to Exceed \$ 25,000

**Approval of** Resolution 2012-002 Authorizing the Installation of Heat Exchangers for City Hall by Clinton Air in the Amount of \$9,600

**Approval of** Resolution 2012-003 Authorizing the City of Belmont to Apply for a Community Development Block Grant for Painting and Replacing the Furniture and Carpet in the Twin Pines Senior/Community Center

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Feierbach, the Consent Agenda was unanimously approved, as amended, by a show of hands.

### **ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

**Resolution Authorizing Submittal of an Application to Designate the Belmont Villages District as a Mixed-Use Corridor Priority Development Area**

Community Development Director de Melo explained that the purpose of this application is to provide more specifics regarding target development sites and to address the village zoning. He explained that action on this resolution does not commit the City to any specific housing projects, and will provide opportunities for future grant funding for transit oriented development projects.

Councilmember Feierbach stated that the Metropolitan Transportation Commission (MTC) and C/CAG (Cities/Counties Association of Governments) are seeking high-density projects. She noted that the village zoning is currently set at 30 units per acre and that the application associated with this resolution indicates a goal of 45 units per acre, which she cannot support. She also noted that the density for this region has not been finalized.

Community Development Director de Melo clarified that any developer would need approval for any density higher than 30 per acre. He explained that the application can be modified to indicate “to be determined” in the density section.

Councilmember Wozniak stated that she shares Councilmember Feierbach’s concern regarding the 45 units per acre designation.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, Resolution 2012-004 Authorizing Submittal of an Application to Designate the Belmont Villages District as a Mixed-Use Corridor Priority Development Area was unanimously approved by a show of hands, amended to change the density designation in the accompanying application to indicate “to be determined”.

**RECESS: 8:15 P.M.**  
**RECONVENE: 8:25 P.M.**

**HEARINGS**

**Public Hearing to Consider a Recommendation by the City's Planning Commission to Amend the Findings for Single Family and Duplex Residential Design Review (continued from November 22, 2011)**

Community Development Director de Melo provided background regarding this project. He noted that the proposed document has had much review and many changes were made. He explained that the design guidelines are intended for residential projects of 400 or more square feet and is a more streamlined document that will be beneficial to applicants. He stated that an analysis has been provided regarding the goals and objectives of the General Plan. He reviewed the findings to be made, and he described design examples contained in the document. He expressed his appreciation to Planning staff and the Planning Commission for its work on this document.

In response to Council questions, Community Development Director de Melo explained that a draft of the document has been shared over the past several months with applicants at the Permit Center, who indicated that it was a helpful document. He explained that adopting the guidelines by resolution will allow for ongoing modifications as necessary. He clarified that application of the guidelines will require some discretion at staff level, and that not all 16 guidelines will be met

with every application. He noted that the guidelines do not prescribe any specific style, and that it recommends the use of quality materials, and addresses landscaping and bulk.

Mayor Warden opened the Public Hearing. No one came forward to speak.

City Attorney Rennie explained that minor modifications would be made to the formatting and verbiage of the ordinance for the second reading which will not materially affect the ordinance. Community Development Director de Melo outlined the modifications that would be made.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Feierbach, the Public Hearing was unanimously closed by a show of hands.

Councilmember Wozniak expressed her desire for a one-year review of this matter.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, and unanimously approved by a show of hands to introduce an ordinance Amending Section 2 (Definitions), Section 13A.1 (Purpose), and Section 13A.5 (Findings Required) of the Belmont Zoning Ordinance, and to set the second reading and adoption for January 24, 2012.

**ACTION::** On a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, Resolution 2012-005 Adopting Residential Design Review Guidelines as a Companion Document to the Belmont Zoning Ordinance, was unanimously approved by a show of hands.

## **NEW BUSINESS**

### **Update Regarding the California Supreme Court's Decision on Dissolution of Redevelopment Agencies and Consideration of Resolution Determining the City's Intention Whether to Serve as Successor Agency to the Belmont Redevelopment Agency Pursuant to Health & Safety Code Section 34173**

City Manager Scoles explained that in 2011, the State legislature adopted two bills related to redevelopment agencies, which were appealed to the State Supreme Court. He noted that ABX126 was upheld by the Court, which forces the dissolution of redevelopment agencies. He explained that ABX127, which would have provided the ability for cities to retain their redevelopment agencies through the payment of a fee, was struck down. He noted that the Court's decision requires redevelopment agencies to dissolve by February 1, although the legislature is attempting to extend that deadline and make other modifications to ABX126.

City Manager Scoles recommended that the City Council name itself as the successor agency to the Redevelopment Agency (RDA). He explained that this action has some benefit in that it allows the City to control activities. He described the new oversight board that would be created to oversee ongoing matters related to redevelopment agency activities, and outlined how the members of this new board are to be appointed. He explained that staff is still evaluating the fiscal impact of this ruling, and he noted that 6 FTE (full time equivalent) staff positions are currently funded by the RDA. He stated that at the Council meeting on January 24<sup>th</sup>, the City Council will likely be asked to accept the existing housing assets of approximately \$850,000, as well as to amend the enforceable obligation schedule.

City Manager Scoles advised that the City previously took action to transfer property previously held by the RDA, most of which is low-to-moderate income housing stock. He clarified that if the City chooses to retain ownership of these properties, it might not have to be transferred back to the RDA. He explained that the tax increment would continue until existing bond obligations are paid off.

Councilmember Wozniak noted that she participated in a teleconference call with the League of California Cities regarding this matter. She noted that there are many details yet to be worked out, and she expressed support for the resolution.

**ACTION:** On a motion by Councilmember Lieberman, seconded by Councilmember Wozniak, Resolution 2012-006 Determining the City's Intention Whether to Serve as Successor Agency to the Belmont Redevelopment Agency Pursuant to Health & Safety Code Section 34173 was unanimously approved by a show of hands.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Councilmember Wozniak stated that the monthly Peninsula Consortium of Cities for High Speed Rail will begin to meet in Brisbane for the next quarter. She noted that she spoke with Cal Train staff and expressed her desire for Cal Train to continue operations, and to not tie it to high speed rail.

### **Discussion and Direction regarding Proposed Letter Regarding High Speed Rail Business Plan**

Community Development Director de Melo stated that the proposed letter had been redrafted from the earlier version, and that facts had been checked. He explained that minor modifications were made from the version provided in the Council's packet.

Mayor Warden thanked staff and Planning Commissioner Mercer for their assistance with drafting this letter. He noted that the letter is strong and accurate.

**George Burgess**, Belmont Chamber of Commerce, expressed his disappointment with the harshness of the letter. He outlined highlights from the letter submitted to the High Speed Rail Authority by the Chamber of Commerce. He stated that the Chamber supports a study of a blended system with Cal Train, and noted that funds for improvements such as electrification could come from a blended system.

Mayor Warden concurred that the letter is strong. He noted that the High Speed Rail Business Plan is flawed.

Councilmember Wozniak expressed the need to take a strong stand. She stated that there is a need to concentrate on local transit and schools. She stated that the Business Plan is overblown and that high speed rail will not benefit the City of Belmont.

Councilmember Braunstein expressed his appreciation for the details contained in the letter. He stated that he would like citations to accompany the data cited in the letter. He stated that his concerns regarding the High Speed Rail Authority were the cost of the project, communication issues, and connectivity with local transit. He stated that he does not support the letter as it does not reflect his style and tone.

Community Development Director de Melo stated that footnotes could be created to include references to supporting facts.

Councilmember Lieberman stated that he would have preferred to include more specifics regarding the effects of high speed rail on the City of Belmont. He shares the concerns about the tone of the letter. He suggested changing the case of the words in all caps. He noted there is value in unanimity and stated he could support the letter if the caps were changed.

Mayor Warden clarified that this letter solely addresses the Business Plan which has very little effect on Belmont. He expressed support to remove all caps.

Councilmember Feierbach concurred with Councilmember Lieberman regarding the caps issue.

**ACTION:** On a motion by Councilmember Lieberman, seconded by Mayor Warden, and approved by a show of hands (4-1, Braunstein no) to approve the Proposed Letter Regarding High Speed Rail Business Plan, amended to include footnotes and changing the case of words in all caps.

### **Council Intergovernmental Assignments for 2012**

City Clerk Cook noted that this was the annual review of the City Council's Intergovernmental and committee assignments. Council reviewed their assignments and no changes were made.

Discussion ensued regarding the alleged embezzlement at the Mosquito and Vector Control District. Concerns were expressed that Belmont's representative to the District was unable to discuss this matter with the City Council.

City Attorney Rennie explained that it is likely that the District Trustees have a confidentiality duty to the District and not to the City that appointed them.

Councilmembers requested that arrangements be made for Belmont's representative to make an annual report to the City Council.

**George Burgess**, Belmont Chamber of Commerce, explained that the Chamber of Commerce recently created a Transportation and Traffic Committee, and requested participation by the City Council on this committee.

Councilmember Wozniak expressed her interest in serving on this committee. Council concurred.

### **Verbal Report from City Manager**

City Manager Scoles noted that City Hall would be closed for the upcoming Martin Luther King holiday. He described the temporary repair of the traffic signal at Ralston Avenue and Cipriani Boulevard. He noted that Adrienne Tissier was recently appointed as the President of the San Mateo County Board of Supervisors.

**ADJOURNMENT** at this time, being 9:52 P.M.

**Terri Cook**  
**City Clerk**